

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TROY R. HOLLENBECK and
JON G. WHITAKER, JR.,

Defendants.

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8:09CR251

ORDER

This matter is before the court on the motion to continue by defendant Troy R. Hollenbeck (Hollenbeck) (Filing No. 65). Hollenbeck seeks a continuance of the trial of this matter which is scheduled for December 9, 2009. Hollenbeck's counsel has a conflict with the trial date. Hollenbeck's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **Trial will be continued as to both defendants.**

IT IS ORDERED:

1. Hollenbeck's motion to continue trial (Filing No. 65) is granted.
2. Trial of this matter is re-scheduled for **January 4, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 24, 2009 and January 4, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge